



A note from the State Long-Term Care Ombudsman:

In 2014, the Office of the State Long-Term Care Ombudsman (OSLTCO) created a discharge specialist position to focus on advocating on behalf of some of Iowa's most vulnerable citizens – those facing involuntary discharge from a nursing facility or involuntary transfer from an assisted living program.

From the inception of the program through Sept. 30, 2016, the OSLTCO received more than 600 involuntary discharge/transfer notices. While the vast majority of those notices were issued as a result of nonpayment by the resident/tenant, there are other trends occurring that require additional attention.



One is so-called "hospital dumping" – when a resident is transferred to a hospital for treatment and a bed-hold notice is not issued or a facility decides not to let the resident return. In this situation, regulations require a facility to issue a 30-day involuntary discharge notice (or an emergency involuntary discharge/transfer notice in the case of legitimate emergency situations). Yet this step is failing to occur with alarming frequency – either because staff do not fully understand the involuntary discharge process or because residents do not fully understand their rights.

Another trend is occurring when an assisted living program issues an involuntary transfer notice due a change in a tenant's payor source, despite the program's past verbal

representations that it would work with a tenant if his/her private funds were depleted and he/she needed to enroll in Medicaid.

To address these needs, I invite you to contact the discharge specialist whenever you have questions or concerns about an involuntary discharge/transfer. Although based in Des Moines, she is available to individuals and organizations throughout the state seeking education about the involuntary discharge/transfer process or resident/tenant rights, and can work with the parties involved in a situation to identify and attempt to resolve the issues that resulted in the involuntary discharge/transfer. To reach her, please call (515) 393-1710 or (866) 236-1430, or email Cynthia.Pederson@iowa.gov.

As a reminder, copies of all involuntary discharge/transfer notices should still be routed to:
Office of the State Long-Term Care Ombudsman
510 E 12th St., Ste. 2
Des Moines, IA 50319

Deanna Clingan-Fischer, JD

National Center on Law and Elder Rights to Launch in 2017

On Oct. 27, attendees at the National Aging and Law Conference learned more about the launch of a new center that will provide a wealth of resources for those who serve and advocate for the legal needs and rights of the aging and disability communities.



Beginning in early 2017, the new National Center on Law and Elder Rights (NCLER) will provide legal services and equip the aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social need. Justice in Aging, a national non-profit legal advocacy organization that fights senior poverty through law, will administer the NCLER through a contract with the Administration for Community Living's Administration on Aging.

The NCLER comes just as the need for support for older Americans is growing and at a time when the legal issues they face are increasingly complex. As a long-term care professional, you understand the complicated nature of programs that your residents and tenants often depend on, including Medicare, Medicaid and Social Security and have likely seen how the desire to help but inability to provide legal advice to those who reside in long-term care leaves many individuals without access to the justice they need.

The NCLER will work to improve that infrastructure of legal resources, across Iowa and throughout the nation by providing a strategic combination of legal training, case consultation and technical assistance on legal systems development. As a centralized, one-stop shop for legal resources, the center will be positioned to offer a high level of expertise and assistance

to legal, aging, disability and elder rights networks across the country.

For more information about the NCLER, visit the Administration for Community Living's [website](#).

Upcoming Events & Educational Opportunities

WEBINAR RECORDING/SLIDES: REVISED CMS NURSING HOME REGULATIONS

The Centers for Medicare & Medicaid Services (CMS) recently released revised regulations for nursing facilities. These regulations are dramatically different from previous regulations and will impact the lives and care of nursing home residents for years to come. A recording and slides from a webinar discussing the new regulations is now available online. Featured speakers include experts from CMS, the Center for Medicare Advocacy, Justice in Aging and Consumer Voice, and topics covered include staffing, arbitration, admission/transfer-discharge/readmission and more.

> [Download the recording and slides](#)

The mission of the Office of the State Long-Term Care Ombudsman is to protect the health, safety, welfare and rights of individuals residing in long-term care by investigating complaints, seeking resolutions to problems and providing advocacy, with the goal of enhancing quality of life and care.

Please feel free to forward this newsletter to others who may be interested.